

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 23, 2008

D051584 In re Rothwell on Habeas Corpus

The Department of Corrections and Rehabilitation is directed to vacate the finding of guilt for violating California Code of Regulations, title 15, section 3016, subdivision (a), and restore Rothwell's lost good conduct credits. CERTIFIED FOR PUBLICATION. Irion, J.;
I Concur: Nares, Acting P.J., I Concur in the Result: McDonald, J.

D052995 Wood v. Janopaul Block

Pursuant to California Rules of Court, rule 8.140, the appeal filed May 5, 2008, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 24, 2008

D051201 In re Marriage of Evans

The orders are affirmed. Thomas shall recover his costs on appeal. Nares, Acting P.J.;
We Concur: McDonald, J., Irion, J.

D051042 Joyner et al. v. Yeung

Judgment affirmed. Benke, Acting P.J.; We Concur: Aaron, J., Irion, J.

D053032 In re R. E., a Juvenile

Appellant lacks standing to appeal. The appeal is accordingly dismissed.

D050069 People v. Parra

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., McDonald, J.

D050944 OPM Inc., et al. v. Metropolitan Transit Development Board

Judgment affirmed. Respondents to recover their costs of appeal. Benke, J.;
We Concur: McConnell, P.J., Huffman, J.

D051263 Alkire v. Vaughn et al.

Because Alkire accepted the benefits of the trial court's award, and that award is not severable, she has no right to attack the award. Appeal dismissed. Respondents to recover their costs of appeal.

D052513 Johnson v. City of San Diego et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D051558 In re Max M., a Juvenile

The judgment is reversed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D051018 Brown v. Edgewater Powerboats LLC

The judgment is affirmed on the issue of Edgewater's liability, but reversed on the issue of damages and attorney fees and costs. This matter is remanded for a retrial on the issue of damages, including any civil penalty to which Brown is entitled and, thereafter, for consideration of an award of attorney fees and costs. Edgewater is to recover its costs on appeal. Irion, J. We Concur: Nares, Acting P.J., McDonald, J.

D053074 Site Management Services Inc., et al. v. Superior Court of San Diego County/Cingular Wireless LLC et al,

The petition for writ of mandate, request for stay and responses have been read and considered by Justices Nares, McIntyre and Irion. The petition is denied as untimely.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 24, 2008 (Continued)

D052784 In re Ferguson on Habeas Corpus
The petition is denied.

D052548 In re Reams on Habeas Corpus
The petition is denied.

D053198 In re Willis, Jr. on Habeas Corpus
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 25, 2008

D050732 Roberts v. Ross, et al.

The judgment is affirmed. Roberts is entitled to costs on appeal. McConnell, P.J.;
We Concur: Huffman, J., Aaron, J.

D052421 In re Anthony M., a Juvenile

The judgment is modified to reflect the dismissal of the section 12031, subdivision (a)(2)(C) allegation attached to count 3. As so modified, the judgment is affirmed. Nares, Acting P.J.;
We Concur: Haller, J., Aaron, J.

D052851 In re Boudreaux on Habeas Corpus

The petition is denied.

D053231 Armstrong v. The Superior Court of San Diego County/People

The petition is denied.

D050946 Rogers v. Watermark Homeowners Association et al.

Upon written stipulation filed by the parties to the appeal, the appeals are dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).) Each party to bear own costs on appeal.

D051595 People v. Fusi

The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., Aaron, J.

D050932 Cuddeback v. Yeung et al.

The request for publication of the opinion is denied.

D049751 People v. Goff

Appellant's petition for rehearing is denied.

D053008 Amber L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief has been filed. The notice of intent is deemed to be abandoned.
The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 26, 2008

D052269 In re T.V., a Juvenile

The jurisdictional and dispositional order is reversed. The case is remanded to the juvenile court with directions to order the Agency to comply with ICWA notice provisions. If, after the proper notice, no tribe claims that T.V. is an Indian child, the jurisdictional and dispositional order shall be reinstated. (In re Cody B., supra, 153 Cal.App.4th at p. 1014.) McConnell, P.J.;
We Concur: Benke, J., Huffman, J.

D053232 Brown et al. v. The Superior Court of San Diego County/People

The petition is denied.

D052952 In re Dix on Habeas Corpus

The petition is denied.

D052842 In re Marriage of Mataele

The petition is denied. The Clerk of the court is directed to return the documents lodged conditionally under seal to appellant.

D051223 People v. Lopez

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D049266 Vesco v. San Diego Community Correctional Center et al.

The judgment is reversed and the matter is remanded for a judicial dissolution of SDCCC. The order determining Vesco was not entitled to attorney fees under the partnership agreement is also reversed. Vesco shall recover her costs on appeal. Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.

D050910 People v. Kaiser et al.

The judgments are reversed. McIntyre, J.; I Concur: McDonald, J.,
I Concur in the result: Benke, Acting P.J.

D053267 Sala, Jr. v. Superior Court of Imperial County

The petition is denied.

D051912 People v. Ford

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 26, 2008 (Continued)

D052202 In re S.B., a Juvenile

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions that it require the Agency to consult with the BIA concerning the child's Apache heritage, provide proper notice to any prospective tribes and to the BIA, and file with the court the notices, return receipts and any responses. If an Indian tribe determines the child is an Indian child under ICWA, the court shall conduct the jurisdiction, disposition and all subsequent hearings in accordance with ICWA. If, on the other hand, the court determines ICWA notice was proper and no Indian tribe seeks to intervene or otherwise indicates the child is an Indian child as defined by ICWA, the court shall hold a section 366.26 hearing to select and implement a new permanency plan for the child. Nothing in this opinion should be construed to prejudice the court's authority to consider developments during the pendency of this appeal and to select adoption as the child's permanency plan on a finding of changed circumstances. (Cf. *In re Kimberly F.* (1997) 56 Cal.App.4th 519, 535; see also § 366.3, subds. (c), (g).) CERTIFIED FOR PUBLICATION. Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D051562 People v. Lamison

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 30, 2008

D051559 In re Jonathan Q., a Juvenile

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D052649 In re Moore on Habeas Corpus

The petition is denied.

D053038 M.C. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

No timely petition for writ relief for Carlos S. has been filed. The notice of intent is deemed to be abandoned. The case is DISMISSED.

D053140 H.N. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner S.S has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to S.S. is DISMISSED.

D051992 Badiei v. Edwards

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

Court convened at 10:00 a.m.

Present: The Honorable Patricia Benke, Acting Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Cynthia Aaron

D052204 In re Yvonne W., a Juvenile

Cause called on merits. Neale Bachmann Gold, Esq. argued for appellant. Valerie Lankford, Esq. argued for minor. Erica Gardner, Esq. argued for respondent. Ms. Gold replied. Cause submitted.

Court recessed at 10:50 a.m. to change panel members. New panel members: The Honorable Richard Huffman, Acting Presiding Justice, and The Honorable Associate Justices Cynthia Aaron and Joan Irion

D051450 In re Mathias B., a Juvenile

Cause called on merits. Julie E. Braden, Esq. argued for appellant. Gary Seiser, Esq. argued for respondent. Valerie Lankford, Esq. argued for minor. Ms. Braden replied. Cause submitted.

D052953 In re Perez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
June 30, 2008 (Continued)

D052593 In re Provencio on Habeas Corpus

The petition is denied.

D052736 In re Robinson on Habeas Corpus

The petition is denied.

D053217 In re Knight on Habeas Corpus

The petition is denied without prejudice to refiling in the Monterey County Superior Court, 1200 Agujito Road, Monterey, CA 93940. Should he desire further review, Knight should file any subsequent petition in the Court of Appeal, First Appellate District, 350 McAllister Street, San Francisco, CA 94102.